



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/943,483      | 08/29/2001  | Henry Wu             | HENRYWU.007A        | 9333             |

20995 7590 01/25/2007  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

|          |
|----------|
| EXAMINER |
|----------|

DAVIS, CASSANDRA HOPE

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3611

| SHORTENED STATUTORY PERIOD OF RESPONSE | NOTIFICATION DATE | DELIVERY MODE |
|--|-------------------|---------------|
| 3 MONTHS                               | 01/25/2007        | ELECTRONIC    |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/25/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcarter@kmob.com  
eOAPilot@kmob.com

# Office Action Summary

Application No.

09/943,483

Applicant(s)

WU, HENRY

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 7-9, 12-21, 32 and 33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 7-9, 12-21, 32 and 33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 11, 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 8, 9, 12, 13, 14, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald (U.S. Patent No. 1,847,605) in view of Radke et al (U.S. Patent No. 3,279,849).

Fitzgerald shows in figures 10 and 12 a seat fastening device for a chair comprising a back rest portion (25), a main body comprises a panel

(24) that defines a front surface and a rear surface, a first retainer (8) attached to a first edge and a second retainer (7) attached to a second edge for attaching the main body to the back rest portion. The first retainer (8) extends from the first edge of the main body, wherein the first retainer has a hook shape (see figures 3-5 which show that the first retainer is hook-shaped) that is biased (biased by the spring 12) towards the rear surface of the main body. The second retainer (7) extends from the second edge of the main body, wherein the second retainer has a hook shape (see figures 3,4, and 7 which show that the second retainer is hook-shaped) that is biased (figures 3,4, and 7 show that the hook includes an inwardly biased portion) towards the rear surface of the main body. Fitzgerald shows in figure 12 that the panel (24) connects the first and second retainers. The first and second retainers are considered to be flexible since they are made out of sheet metal which is known to be flexible.

Fitzgerald does not disclose whether the chair is a folding chair and attaching padding to the main body.

Radke et al. shows in figure 4-7 the idea of removably attaching a covered pad (22) to a backrest (14) using hooks 42 extending from opposite sides of the pad (22).

In view of the teachings of Radke it would have been obvious to one in the art to modify Fitzgerald by making the sign which covers the seat back of a padded material so that the chair is more conformable during sitting.

In regard to claim 8, it would have been an obvious manner of design choice to make the retainers from plastic since the applicant fails to define any advantage to making the retainers from plastic and the metal retainers taught by Fitzgerald would work equally well.

In regard to claim 9, since the applicant does not disclose that making the main body  $\frac{1}{4}$  inch thick plastic solves any stated problem or is for any particular purpose, it appears to making the main body of any suitable dimension as taught by Fitzgerald and Radke would perform equally well in retaining main body on the backrest.

In regard to claim 12, the taught by Fitzgerald is considered to be contoured to the backrest portion of the chair.

In regard to claim 13, as broadly defined, the surface upon which the padding, as taught by Radke, is attached is considered to be the "rear surface".

In regard to claim 32, the first edge of the backrest portion and the first edge of the main body of Fitzgerald are considered to be oriented towards the top of the backrest portion and the second edge of the backrest portion and the second edge of the main body of Fitzgerald are considered to be oriented towards the bottom of the backrest portion, see figure 12.

Claims 15-21, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald (U.S. Patent No. 1,847,605) in view of Radke et al (U.S. Patent No. 3,279,849), as applied to claim 7 above, and in further view of Neal, (U.S. Patent No. 5,799,317).

Neal shows in figure 1-9 the idea of removably attaching a padded portion (11) to a seat portion (3) and a padded portion (30) to a back rest portion (8), placing a message on the padded portion (picture of flowers or other message) and making the chair in the form of a folding chair, see column 1, lines 4-6.

In view of the teachings of Neal it would have been obvious to one in the art to attached the device taught Fitzgerald and Radke on to the backrest of a folding chair provide a display and cushion for an alternate sitting device (the folding chair instead of a stationary chair).

In regard to claims 18 and 21, Fitzgerald does not disclose the use of a plurality of folding chairs. Neal discloses in column 1, lines 35-50 and column 4, lines 23-30 that a plurality of the folding chairs are manufactured. Further, it is conventional in the art that a plurality of folding chairs are used together, i.e. church halls, school auditoriums, birthday parties, weddings, etc. In addition, it would have obvious to modify Fitzgerald and Radke by using a plurality of the folding chairs as taught by Neal together since this would allow a large group of people to be provided with seating in a more convenient and less expensive manner.

In regard to claim 18, the folding chairs "can be" stacked together.

In regard to claims 33, the first edge of the backrest portion and the first edge of the main body of Fitzgerald are considered to be oriented towards the top of the backrest portion and the second edge of the backrest portion and the second edge of the main body of Fitzgerald are considered to be oriented towards the bottom of the backrest portion, see figure 12.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 7 and 15 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The follow patents are cited to show chairs or seats with padded cushion attached using hooks: Buengener (DE2914198), Gailey (US2060298), Baker (US5921626), Lay (US3610685), and Horn (US2470929).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Cassandra Davis  
Primary Examiner  
Art Unit 3611

CD  
January 7, 2007